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SUBJECT: SUPREME COURT AND GOC UPDATE POSTIIONS ON
EXTRADITION

Classified By: Ambassador William R. Brownfield,
Reasons 1.4 (b and d)

SUMMARY

11. (C) The Ambassador met separately with leaders of Colombia's Supreme Court and with Interior and Justice Minister Valencia Cossio to discuss extradition-related issues. The Ambassador stressed the USG's desire to keep positive relations with the Court, and said the Court might find USG input useful on some legal issues. Recently elected Court President Ibanez welcomed the visit, but Criminal Chamber President Socha said the Court would not listen to outside views--either from the GOC or a foreign government. Socha also outlined the difficulties the Court has had in accessing extradited paramilitary leaders in U.S. custody. The Ambassador welcomed any Court suggestions on ways to improve access. Minister Valencia told the Ambassador he fears the Court under Ibanez will be less helpful to the USG on extraditions. Prosecutor General Iguaran voiced concern that the Court's tougher stance on extraditions will undercut Colombia's efforts to seek international cooperation in pursuing Colombian criminals abroad. As previewed by these meetings, the Supreme Court announced on June 17th its decision to deny the extradition of FARC jailer alias Martin Sombra. End Summary.

AMBASSADOR STRESSES USG DESIRE FOR POSITIVE RELATIONSHIP

12. (C) The Ambassador met on June 1 with Supreme Court President Augusto Ibanez, Criminal Chamber President Julio Socha, Civil Chamber President William Namen Vargas, Labor Chamber Vice President Elsy del Pilar Cuello, and Criminal Chamber Magistrate Mario Rosalio Gonzalez de Lemus. The Ambassador stressed the USG's desire to maintain a positive, productive relationship with the Court. He hoped the meeting would be the first step in an ongoing dialogue, and told the magistrates the USG would welcome any suggestions on improving cooperation. The Ambassador emphasized that the USG recognized that the Court made its decisions based on Colombian law and that we respected its rulings. Still, he suggested it might be useful for the Court to receive USG analysis or information, either formally or informally, on specific legal issues.

COURT MEMBERS CITE PROBLEMS, EMPHASIZE JUDICIAL INDEPENDENCE

13. (C) Court President Ibanez welcomed the visit, emphasized

that he considered it a courtesy call, and said the Court values its relations with the USG. Still, Criminal Chamber President Socha noted that the Court had opposed President Uribe's 2008 decision to extradite the 15 former paramilitary leaders. Socha argued that the Court had not had a chance to hear the extraditees' testimony in the parapolitical investigations, and voiced concern that the extraditions had also undermined the Justice and Peace Law (JPL) process. He claimed that U.S. efforts to provide the Court with access to the extraditees remain problematic. Magistrate Gonzalez claimed the video conference format has not been effective, complaining that in one interview a paramilitary leader had refused to answer a question based on the intervention of a US prosecutor (Note: When pressed, Gonzalez acknowledged he could not say for sure this had happened). Socha said the Court has requested that magistrates travel to the United States to question several extraditees in person, and asked for help in facilitating that request.

14. (C) Socha said that although the executive branch has criticized many Court rulings, the Court's decisions are based on Colombian law and its constitution. The Court is an independent body, he continued, that does not need to listen to the view of the Colombian executive or foreign governments. Civil Chamber President Naman Vargas recognized the USG's commitment to help with access to the extradited paramilitaries, and said the Court only sought pragmatic cooperation that advances our common interests. Ibanez concluded by agreeing on the need to maintain flexible, fluid communication between the Court and the USG.

AMBASSADOR REITERATES COMMITMENT TO HELP

15. (C) The Ambassador acknowledged that some logistical and technical issues have complicated access to the extraditees, but reiterated our commitment to cooperating with the Court and the Fiscalía on the parapolitical and JPL investigations. He committed to checking on the possible intervention of a US prosecutor, and said we would consider any Court suggestions on ways to adjust the process we set up last year to facilitate Colombian judicial authorities' access to the extradited former paramilitaries. He added that the Embassy would be happy to help with the Court's request to interview the extraditees in prison.

VALENCIA COSSIO FEARS PROBLEMS AHEAD

16. (C) Minister of Interior and Justice Fabio Valencia Cossio told the Ambassador in a June 5 meeting that he fears the new Court will be even less favorably inclined to extraditions, because recently elected President Ibanez comes from the Criminal Chamber. Valencia told the Ambassador the GOC has the will to work with the USG to perfect our extradition requests, but voiced concern that extradition is losing its "efficacy" due to the Court's recent, tougher line against some extradition.

17. (C) Valencia said he has good relations with the Foreign Affairs Ministry (MFA) but that he preferred more direct, informal communications with our Embassy on extradition issues. The Ambassador said the Embassy would use formal channels to convey information or analysis sought by the Court to establish a formal record. Other communications could be through informal channels such as non-papers. Valencia agreed to this approach. Valencia also said that he wanted all requests by Colombian legislators for official visits to high-profile Colombian prisoners in U.S. jails (primarily ex-paramilitary leaders) to be submitted in advance to his Ministry and to the Colombian Embassy in Washington.

FISCAL MARIO IGUARAN ALSO CONCERNED

18. (C) Prosecutor General Mario Iguaran told us June 5 that he also believes the Court will continue to take a tough line against extradition requests that do not involve clear, concrete criminal acts that occur outside of Colombia. He

disagrees with the Court's approach, believing that an effect on a foreign national or interest should be sufficient to trigger extradition. Iguaran voiced concern that the Court's analysis would undercut Colombia's efforts to seek international cooperation against Colombian criminals abroad, but offered no suggestions for how to persuade the Court to reconsider its position.

SOMBRA EXTRADITION DENIED

[19](#). (C) As previewed by all three meetings, the Supreme Court announced June 17th its decision to deny extradition of FARC jailer alias Martin Sombra on kidnapping and hostage charges. Details will be reported septel.

Brownfield